

Serial No. 09/977,330
Amendment After Final dated February 24, 2005
In Reply of Office Action dated November 24, 2004

R E M A R K S

The Office Action dated November 24, 2004 has been received and its contents carefully noted.

In view of the foregoing amendments and following representations, reconsideration and allowance are respectfully requested.

As to the rejection of claim 1-3 and 5-10 as being obvious variations of EP 0790039 to Palazzolo in view of U.S. Patent No. 5,719,668 to Huestis, such is respectfully traversed.

It is respectfully submitted that the Palazzolo method teaches directly away from Applicant's claimed method in which a claimed "resilient material" is provided in a "closed bottom".

The Palazzolo device and method requires a rigid and non-resilient "dental mold plaster [be] poured directly into the bottom mold until the gum portion [i.e. of the original Palazzolo denture] is covered and, after placing the centred [*sic centered*] countermold on top of the bottom mold, the polymerizable resin material for the tooth mold is poured directly into the countermold through the central opening in

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its base". Please see column 3, lines 45-54 of Palazzolo, for example.

Clearly, the Palazzolo method and device is the direct opposite of Applicant's claimed invention. Palazzolo requires a non-resilient material, a dental mold plaster, (unlike the claimed resilient material.

In addition, it would not have been obvious to modify Palazzolo in view of Huestis, as suggested by the Examiner. That is because the proposed modification of closing the bottom of Palazzolo would have prevented the proper functioning of the Palazzolo method. If one eliminated the hole 7 (see Fig. 7 of Palazzolo) then one would not have been able to push out hardened plaster 21 (Palazzolo Fig. 7). That is because the Palazzolo mold, such as the bottom mold 1 in which the inherently non-resilient Palazzolo plaster 21 is provided, is a rigid metallic mold engineered to be used in a commercial device such as an IVOMAT dental machine which is one of known pressure polymerizing machines in which polymerization takes place "at a temperature not exceeding 105⁰ C and at a pressure of

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approximately 1.2 bar (Fig. 12)". Please see column 6, lines 7-45 and, especially, column 6, lines 12-16 and 40-45 of Palazzolo.

The Palazzolo base 3 of Palazzolo bottom mold 1 is clearly shown and described as having preferably, but not necessarily, central opening 7 for purposes of pushing out the mold material (plaster or polymerizable resin, both of which are rigid, nonresilient, unlike the claimed hydrocolloid which is inherently resilient).

Thus, not only does Palazzolo teach directly away from the claimed invention, Palazzolo would have taught directly away from the Examiner's proposed modification of eliminating the central opening 7 in Palazzolo by closing the Palazzolo base 3 completely as done in the Huestis device.

Still further, the Palazzolo mold is an inherently rigid material (i.e., aluminum/zinc alloy). Thus, a user would not have been able to remove hardened, rigid, dental stone without the provision of Palazzolo hole 7 by which the user can apply force to and eject the hardened stone.

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Those are multiple examples of the manner in which Applicant's claimed method differs from the Palazzolo method, even, assuming for the sake of argument, that it would have been obvious to modify the rigid aluminum/zinc alloy Palazzolo base 3, which it would not have been.

The patentability of the dependent claims which were rejected based on a variety of other combinations of references, which would not have been obvious to a person having ordinary skill of the art at the time of Applicant's invention, will be allowed to rest on their dependence from amended independent claim 1 at this time.

Amended independent claim 22 likewise overcomes the rejection over Palazzolo modified by Huestis, for at least the reasons set forth above regarding amended independent claim 1, and as amended claim 22 specifically claims the "hydrocolloid" and "dental stone", neither taught nor suggested by Palazzolo, as modified.

Claims 23, 24, and 26-31 will be allowed to rest on their dependence from claim 22 at this time.

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Attached is a check in the amount of \$510.00 for a three month extension of time (small entity); it is believed that no additional fee is due, as at least the same number of claims has been cancelled as has been added.

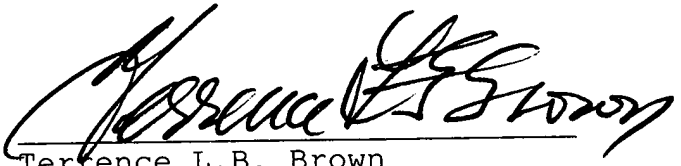
In summary, the application is submitted to be in condition of allowance with claims 1-11, 22-24, and 26-31. Claims 1 and 22 are in independent form.

Applicant hereby appeals the rejection of each of claims 1-11, 22-24, and 26-31, as set forth in the attached Notice of Appeal.

Should any outstanding formal matters or other issues remain, the Examiner Poe is requested to telephone Terrence Brown at the telephone number provided below to resolve such.

Respectfully submitted,

Date:

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